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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,629	08/26/1999	MAZDA SALMANIAN	71493-582	6818

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EXAMINER

LEVITAN, DMITRY

ART UNIT PAPER NUMBER

2662

DATE MAILED: 05/04/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/383,629

Applicant(s)

SALMANIAN, MAZDA

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 14-16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-9, 11-13, 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. Claims 1, 10, 14-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Key (US 5,991,272) in view of Beming (US 5,740,537).

Regarding claims 1, 14-16, 18 and 19, Key teaches all claim limitation of a method and computer code (1:7-10) of performing call admission control (call acceptance control 1:15-23) upon a receipt of a request (call arrival block 8 on Fig. 6) for a new session comprising: Making an estimate of a new system QoS which will result should new session be admitted (determining a quality of service for the node should the call be accepted 3:27-30); and Deciding to admit or deny the new session on the basis of the new system QoS estimate (comparing the determined QoS with required QoS to accept or reject the call 3:31-35).

Regarding claim 10, Key teaches comparing the new QoS estimate (determined QoS 3:30-31) to a target QoS (required QoS 3:30-34) and admitting or denying the session based on the comparison.

In addition, regarding claim 18, Key teaches an input device (inherently part of Key node, because the node interfaces communication network 1 as shown on Fig.3) and a processing element (computer 5 as shown on Fig. 3 and 4:28-34).

Key teaches using cell loss probability as QoS parameter (1:33-38), however Key does not teach using frame error rates (FER) as a QoS determiner .

Beming teaches using frame error rates (FER) as a QoS determiner (col. 6 lines 45-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add

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using frame error rates (FER) as a QoS determiner of Beming to the system of Key to improve the system performance in interference environment.

In addition, regarding claim 14, Key does not teach implementing the admission control in a block of a MAC layer.

Official Notice is taken that implementation of admission control in MAC layers is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the admission control system to the system of Key in MAC layers to make the system compatible with other MAC using equipment.

In addition, regarding claims 14-16, Key does not disclose the admission control is implemented in a base station of a radio network.

Beming teaches implementation of call admission control in a base station (control device 22 on Fig. 1 and col. 5 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a base station to the system of Key and use it to implement the admission control as suggested by Beming, to allow for the extension of Key's system to a wireless network given that wireless networks provide several advantages such as: no need for medium infrastructure, flexibility, etc.

***Allowable Subject Matter***

2. Claims 2-9, 11-13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-3, 10, 14-16 and 18-20, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katsube	US004984264	CAC method and cell flow monitoring method.
Key	US005991272A	Method and apparatus for controlling a communication network.
Aida	US006212163B1	Method and apparatus for multi-class ATM CAC.
Hughes	US005357507A	Fast CAC for ATM networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan  
Patent Examiner  
04/19/04



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